



Rural Transportation for People with Disabilities

Implementing the FAST Act

January, 2016

The Association of Programs for Rural Independent Living believes that we should look at transportation (both public and private) from the travelers' perspective and give people alternative community mobility options. Do people get where they want or need to go, when they need to get there? Do they get there safely? Is it energy efficient?

APRIL's guiding principles in addressing transportation needs in rural America include:

- "All" public transportation should be accessible to "All" users, "All" the time.
- Systems designed to meet the transit needs of people with disabilities will meet the needs of all transit users.
- Accessible transportation means more than just having a vehicle available. It means people can actually use the transit service. It should also address the needs of people who are trying to be more energy efficient by reducing their use of private vehicles.
- Accessibility and energy efficiency should not be separate competing priorities. They are equally important, and should be integrated. Vehicles and services need to be both accessible and energy efficient and that cannot be accomplished unless innovation takes an integrated approach to the two priorities.
- Accessible transportation includes systems, services, vehicles, routes, stops, programs and all other aspects of transportation and must at least meet or exceed the minimum requirements set forth in the Americans with Disabilities Act.

“It is hereby declared to be the national policy that elderly and handicapped persons have the same right as other persons to utilize mass transportation facilities and services; that special efforts shall be made in the planning and design of mass transportation facilities and services so that the availability to elderly and handicapped persons of mass transportation which they can effectively utilize will be assured; and that all Federal programs offering assistance in the field of mass transportation (including the programs under this Act) should contain provisions implementing this policy.” Urban Mass Transportation Act of 1970, P.L. 91-453

Lack of public transportation is one of the most serious, persistent problems reported by people with disabilities who live in rural America today. Some forty years after the Urban Mass Transportation Act and 25 years post the Americans with Disabilities Act, minimal or non-existent transit services in rural areas still create serious barriers to employment, accessible health care and full participation in society for people with disabilities. Rural transportation advocates believe that creativity and coordination of local/regional resources can help achieve the goal of completely integrated [not separate] regional transit service for people with disabilities in rural America. These coordinated activities should be measurable to ensure that people get where they want or need to go...get there safely...and in the most efficient manner.

According to Tim Sheehan, Executive Director of the Center for Independent Living of Western Wisconsin, “One of the current issues is the lack of a common definition of transit throughout the transportation system. Rural transportation (where it is available) is generally defined as specialized transportation.” This deficiency creates eligibility silos that in turn lead to competition for the limited amount of funding for these individual programs. There are also numerous restrictions imposed on rural providers: limited trip purposes, limited hours of service, client-only transportation and duplicative services to name a few. Also, the cost of transportation in rural areas is generally higher due to the longer distances traveled.

APRIL strongly supports the following opportunities for significant change in the Implementation of the FAST Act:

- **Equitable Funding:** Any and all federal investment in public transit services must be accountably accessible to all users, regardless of program or area of the country.
- **Rural Transportation Planning:** Require all states to develop a formalized planning process for rural transportation that includes provisions for people with disabilities. Currently 38% of the counties in the United States have no rural transit and less than 10 percent of federal spending goes to public transportation in rural areas (USDOT 2012). The law anticipates that these bodies will have a more formal role in setting regional priorities, overseeing the locally developed coordinated plan, and additional responsibilities to include urban, small urban, and rural formula transit providers into the envisioned more robust coordinated plan. These Rural Planning Organizations (RPOs analogous to MPO’s) should be established throughout each state with the goal of

implementing Rural Transit Systems in all rural counties. Require inclusion of rural people with disabilities, including those who use the transportation system, on state and local planning committees and boards.

- **Coordination:**

- Coordinate the transportation components of all federal disability related legislation across agencies so they are consistent with and complement all FAST Act transportation programs. Linkages among transportation systems and municipalities to overcome artificial barriers such as transportation that stops at a county line or service duplication should be promoted. Mandated rural planning would address many of these barriers.
- The implementation of the FAST Act should emphasize the principle that human services transportation coordination is a part of the public transit systems. Human services should be used to augment existing systems to reach the goal of transportation for all. For example:
 - Use private transit resources to fill in the gaps of public resources only – (this fulfills the promise of the 1970 legislation)
 - Require all private transit resources to serve all transit dependent riders
 - Streamline eligibility criteria in a one-stop format so all transit dependent riders complete the same application

- **Innovative Programs:**

- Systematically encourage and fund innovative private and public sector models that can address unavailable and/or insufficient rural transportation. Solutions might include: accessible taxi services; using private drivers, including those with disabilities; vehicle pools similar to those used by intercity bus programs and voucher models administered by community based organizations. Allocate innovative program funds to support tribal transportation programs that are coordinated with other public transit and community transportation services.
- Provide tax incentives to encourage procurement of accessible vehicles by any organization or agency not covered under ADA. (eg, taxies, livery service, etc.)
- Fund research and development to identify and demonstrate promising rural practice models and to provide training and technical assistance to rural communities.
- Private vehicles are the primary transportation mode in Rural America. Develop a program which will assist an individual with a disability acquire an accessible, affordable vehicle.
- Accessibility and energy efficiency should not be separate priorities. Mandate the inclusion of accessibility elements (i.e. a lift added to a vehicle) into the research, design and development of cleaner and more fuel efficient vehicles.

- **Coordination of Social Services Transportation:**

Before the passage of the ADA, social service agencies provided a significant proportion of non-fixed-route transportation services available to people with disabilities in the United States. While transportation was not necessarily earmarked as a separate funding stream in the budgets of many agencies, for agencies to bring clients in for services, they often had little choice but to become involved in the “transportation business.” Because transportation was not viewed as a primary goal in the mission of social service agencies, many were very willing to shift this responsibility to the federally mandated ADA paratransit programs, which to some extent met the transportation needs of agency clients.

While some transit agencies entered into cost-sharing arrangements with social service agencies after the passage of the ADA, many were unable to recoup the cost of providing this service, apart from the fare charged to all riders. As a result of the integration of social service transportation with ADA paratransit services, there have been significant impacts, both positive and negative, on riders affiliated with social service agencies. On the positive side, riders generally enjoy a higher quality of service in terms of vehicle condition and driver training. Riders who in the past paid little or no fare sometimes are required to pay a fare, and they may not enjoy the same level of intimacy with the drivers or other riders as they did previously. For transit agencies, there have been real cost impacts, as they have had to absorb some of the costs formerly borne by other programs (NCD, 2005).

For many disability service systems, the focus has been moving toward community integration, with outcome measures more oriented toward community participation. This has required a different perspective on how needs are assessed and addressed. The ADA addresses civil rights protections which enhance community participation, such as access to transportation. When the focus is on community participation, attention will be on the needs of individuals as members of the community, not the needs of the service agencies and their clients. The attention includes the community, and not just an agency’s sometimes paternalistic emphasis on taking care of only “our people”.

- **Reorient Federal Transit Investment**

- Establish a seamless system that reaches as many people as possible and is fully accessible and affordable for all. Provide incentives to bring people to the table and drive them toward this type of system – not 20 different and disparate systems in one area and none down the road.
- Create an entity that looks at what it means to be a traveler in America.
- Look at transportation from the travelers’ perspective and give people (both public and private) alternative community mobility options. Do people get where they need to go, when they need to? Do they get there safely? Is it energy efficient?

How is transportation *need* defined?

- “Unlike many other inter-jurisdictional assistance programs of the federal government, existing and potential mass transit needs are not distributed evenly across the states, but instead tend to be much more concentrated. Any movement toward allocating federal transit formula funds on a basis unrelated to need would run counter to the purpose of the program.” (USDOT FTA, 2000).
- Since the resources available to the §5310 program are limited, they are allocated on the basis of relative need. Federal statute specifies three aspects of need for the §5310 transportation grant program: need is said to exist when transportation is *unavailable*, *insufficient*, or *inappropriate*.
- Who determines need? What criteria are used? How does this guide planning processes? Is the need defined by the internal operations of human service agencies, or by community needs assessment with an emphasis on community participation? Even when the perspective is more individually focused, is the perspective on an individual’s full life or just on their role as a service agency client?
- There is no universal definition or criteria for the §5310 program’s primary rationale: when public transportation is unavailable, insufficient, or inappropriate. This creates ambiguity – what is the operational meaning of these terms?
- [1] *Unavailable* public transportation is somewhat easier to operationalize – no one has any transportation. In some states, particularly those with large unserved rural areas, §5310 funds may be the backbone of a general rural transportation system which is “planned, designed, and carried out to meet the special needs of elderly individuals and individuals with disabilities” and therefore eligible for §5310 funding. The ADA could provide relief in areas where transportation was available for others, but not for people with disabilities.
- [2] The term *insufficient* is relative and implies that there are not enough available resources to meet existing needs. This leads to questions of how we define transportation needs, and who defines them. Some states and local jurisdictions reference transportation needs surveys.
- [3] The hardest term to operationalize is *inappropriate*. When do people with specific needs require separate services, instead of universally designed or better developed mass market services? Should riders with diagnostic labels (e.g. intellectual disability), age, or other characteristics be excluded and existing transportation be considered inappropriate? Sometimes the term “inappropriate” seems to be applied to the individual, rather than to the transportation services.

The Association of Programs for Rural Independent Living strongly believes that we should look at transportation (both public and private) from the travelers' perspective and give people alternative community mobility options. Do people get where they need or want to go, when they need to get there? Do they get there safely? Is it energy efficient?